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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,129	11/12/1998	JOSEPH M. CANNON	CANNON36-37-	6291

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

1

Office Action Summary	Application No. 09/190,129	Applicant(s) CANNON ET AL. <i>JK</i>	
	Examiner Gerald Gauthier	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-6 and 8-10** are rejected under 35 U.S.C. 102(b) as being anticipated by Koyama (US 5,894,505).

Regarding **claim 1**, Koyama discloses a telephone answering machine (FIG. 1) (which reads on claimed "a voice messaging system"), comprising:

- a telephone line interface (2 on FIG. 1);
- a message record/playback unit (8 on FIG. 1) (which reads on claimed "a voice recorder/playback module");
- a main control unit (13 on FIG. 1) (which reads on claimed "a controller") adapted to control functions of the voice messaging system (column 9, lines 36-44);
- a call detection circuit (4 on FIG. 1) (which reads on claimed "a ring signal bypass module adapted to detect") a polarity reverse signal (column 10, lines 18-20) (which reads on claimed "a presence of non-ring signal") indicating a presence of an incoming call (column 10, lines 22-27), and to cause the telephone line interface capture the communication line (column 10, lines 20-22) (which reads on claimed "to place a telephone line in an off-hook condition before reception of an initial ring signal relating to the incoming call").

Koyama states in column 10, lines 16-27:

On the other hand, as shown in the flowchart of FIG. 2, in the telephone answering machine, when the call detection circuit 4 detects a polarity reverse signal which comes from the communication line 1 (Step F1), the main control unit 13 makes the line interface 2 capture the communication line 1 (Step F2). Then, the main control unit 13 generates a communication path to the exchange which is connected to the communication line 1 so as to make the calling party information reception unit 10 receive calling party information from the exchange through the communication line 1 (Step F3).

The call detection circuit detects the reversal line from the communication line. The line interface captures the communication line and the main controller establishes the communication path.

Regarding **claim 2**, Koyama discloses a telephone line interface is adapted to detect a line reversal on the telephone (column 10, lines 18-20) .

Regarding **claim 3**, Koyama discloses a voice messaging system as telephone-answering device (FIG. 1).

Regarding **claims 4 and 8**, Koyama discloses an answering machine (FIG. 1) (which has a method for answering signal that reads on claimed "a method/apparatus for allowing bypass of ring signal in a voice messaging system"), comprising:

receiving a polarity reverse signal (column 10, lines 3-6) (which reads on claimed "a non-ring signal indicating a presence of an incoming call to the voice messaging system"); and

capture the communication line (column 10, lines 8-11) (which reads on claimed "answering the incoming call by the voice messaging system before a reception of any ring signal").

Koyama states in column 10, lines 3-11:

When a calling party calls the telephone answering machine, the unillustrated exchange transmits a polarity reverse signal to the telephone answering machine via the communication line 1. The polarity reverse signal indicates that the transmission of the calling party information has been started. The exchange also transmits the calling party information of the calling party via the communication line 1 when the capture of the communication line 1 by the telephone answering machine is detected.

The exchange transmits the polarity reverse line to the answering machine and the communication line is captured by the telephone answering machine.

Regarding **claims 5 and 9**, Koyama discloses:

playing an outgoing greeting message to a caller associated with the incoming call without requiring reception of any ring signal relating to the incoming call (column 10, lines 54-59); and

allowing the caller to record a voice message (column 10, lines 62-65).

Regarding **claims 6 and 10**, Koyama discloses the answering comprising:

allowing a caller associated with the incoming call to record a voice message without requiring reception of any ring signal relating to the incoming call (column 10, lines 62-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 7 and 11-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama in view of Borland et al. (US 6,128,382).

Regarding **claims 7 and 11**, Koyama as applied to **claims 4 and 8** above differs from **claims 7 and 11** in that it fails to disclose a request for a transmission of the non-ring signal from a calling party's telephone.

However, Borland teaches inputting a request for a transmission of the non-ring signal from a calling party's telephone (column 7, lines 24-35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 12**, Koyama discloses all the limitations of claim 12 as stated in claim 1 rejection.

In addition, Koyama discloses a memory (11 on FIG. 1) (which reads on claimed "a voice message memory for recording a voice message).

Koyama fails to disclose activating the ring signal bypass module based on a request from the calling party but suggests a request from the calling party (column 15, lines 58-61).

However, Borland teaches the caller enters 1 (column 15, line 4) (which reads on claimed "activating the ring signal bypass module based on a request from the calling party") (column 6, lines 4-14).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 13**, Koyama and Borland as applied to **claim 12** above differ from **claim 13** in that it fails to disclose allowing the calling party to record a voice message in the voice message memory before reception of any ring signal.

However, Borland teaches allowing the calling party to record a voice message in the voice message memory before reception of any ring signal (column 6, lines 29-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 14**, Koyama and Borland as applied to **claim 12** above differ from **claim 14** in that it fails to disclose entering a request for performance of the step of bypassing all ring signals by the calling party.

However, Borland teaches entering a request for performance of the step of bypassing all ring signals by the calling party (column 6, lines 4-8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 15**, Koyama and Borland as applied to **claim 12** above differ from **claim 13** in that it fails to disclose entering a request for performance of the step of bypassing all ring signals by the calling party.

However, Borland teaches the request is entered by the calling party before a telephone number of the called party is dialed by the calling party (column 4, lines 55-59) [The *28 could be used by the caller before dialed a number].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Response to Arguments


6. Applicant's arguments with respect to **claims 1-15** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
August 8, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
